

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 45091 of 2022

Arising Out of PS. Case No.-72 Year-2022 Thana- SULTANGANJ District- Bhagalpur

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MUKESH KUMAR DAS SON OF VIJAY DAS R/O VILLAGE-
SAHABAD, P.S.- SULTANGANJ, DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Davendra Kumar Pandey

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-12-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Sultanganj P.S. Case No. 72 of 2022 registered for the offences

punishable under Section 379 of the Indian Penal Code.

As per prosecution case, informant parked his

motorcycle in front of Jay Surya Medico and went to the shop

but after some time he did not find his motorcycle there. It is

further alleged that after seeing the C.C.T.V footage nearby

people identified the petitioner, who fled away with the

motorcycle of the informant.

Learned counsel for the petitioner submits that



petitioner is in custody since 20.03.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that from perusal of the FIR it appears that it is not clear who was the person who identified the petitioner in C.C.T. V. footage and there is no verification report of the C.C.T.V. footage available on the record is genuine or fake. He further submits that petitioner is quite innocent and falsely implicated in the case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Bhagalpur in connection with Sultanganj P.S. Case No. 72 of 2022, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

vashudha/-

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